

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Rodney Douglas Btephens
Plaintiff's full name (Please print)

v.

OKLAHOMA DEPARTMENT OF CORRECTIONS

DIRECTOR OF OKLAHOMA STATE
Defendant(s)' full name (Please print)

J. KEVIN STITT GOVERNOR OF OKLAHOMA

CHERI ATKINSON DOC MEDICAL SERVICE MANAGER

SHARON MCCOY WARDEN OF J.D.C.C.

Case No. 19cv303 JHP-SPS
(To be filled out by Clerk's
Office-only)

Amended

FILED

NOV 26 2019

PATRICK KEANEY
Clerk, U.S. District Court

By
Deputy Clerk

For additional names please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV, pursuant to Fed. R. Civ. P. 10(a).

NOTICE

Federal Rule of Civil Procedure 5.2 and Local Civil Rule 5.3 address the privacy and security concerns resulting from public access to electronic court files. Under these rules, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Each claim you raise must be properly exhausted. If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. 1997e(a).

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. JURISDICTION

Indicate below the federal legal basis for your claim, if known.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Rodney Douglas Stephens
Full name Aliases

D.O.C #105705
Prisoner ID #

JUSS DUNN CORRECTIONAL CENTER
Place of Detention/Incarcarnation

P.O. Box 316 OR 601 S. 124th W.
Institutional Address

TAF OK 74463
City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S)' INFORMATION

List the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained on the first page. Attach additional sheets of paper as necessary. Do not write on the backs of any additional sheets. See Local Civil Rule 5.2(a).

DIRECTOR OF OKLAHOMA
 Defendant 1: DEPARTMENT OF CORRECTIONS ET AL,
 Full Name
DIRECTOR OF CORRECTIONS
 Current Job Title
2901 CLASSEN BLVD
 Current Work Address
OKLAHOMA CITY OK 73106
 City State Zip Code

Defendant 2: JOKEVIN STITT
 Full Name
GOVERNOR OF OKLAHOMA
 Current Job Title
2300 W. LINCOLN BLVD
 Current Work Address
OKLAHOMA CITY OK 73105
 City State Zip Code

Defendant 3: CHERI ATKINSON
Full Name
MEDICAL SERVICES MANAGER
Current Job Title
2901 CLASSEN BLVD SUIT 200
Current Work Address
OKLAHOMA CITY OK 73106
City State Zip Code

Defendant 4: SHARON MCCOY
Full Name
WARDEN OF JESS DUNN CORRECTIONAL CENTER
Current Job Title
601 S. 124ST W.
Current Work Address
TULSA OK 74463
City State Zip Code

Defendant 5:

Full Name

Current Job Title

Current Work Address

City State Zip Code

STATEMENT OF CLAIMS

CLAIM 1

1 OF 3

DIRECTOR OF (DOC) INDIVIDUALLY AND IN OFFICIAL CAPACITY
THE TENTH CIRCUIT COURT OF APPEALS
HAS RULED THAT NEITHER THE GOVERNOR
OF OKLAHOMA OR THE OKLAHOMA DEPARTMENT
OF CORRECTIONS ARE IMMUNE TO HAVING TO
ANSWER TO A CIVIL ACTION LAWSUITS FILED
AGAINST EITHER ONE

SAVAGE V FALLIN

UNITED STATES COURT OF APPEALS TENTH CIRCUIT
SEPTEMBER 27, 2016 663 F.2D APPX 588
DISTINGUISHED BY ROSS V BUSH 10TH CIR (OKLA)
ALLEGING EIGHTH AMENDMENT VIOLATIONS
AND INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS

HELLING V MCKINNEY 509 U.S. 25, 33, 113 S. CT
2475, 125 L. ED 2D 22 (1993) ACCORDINGLY
COURT MAY NOT DENY ANY INJUNCTION TO
INMATE WHO PLAINLY PROVED AN UNSAFE LIFE
THREATENING CONDITION IN THEIR PRISON ON THE
GROUND THAT NOTHING YET HAD HAPPENED
TO THEM

STATEMENT OF CLAIMS 16F2
CLAIM 1.

D O C is also allowing the ones over some of the Department to over step the boundary in the grievance procedures by returned them unanswered see LITTLE v Jones United States Court OF APPEALS TENTH CIRCUIT June 8, 2010 607 F.3d 1245. ALSO allowing the CORRECTIONAL OFFICERS TO EVACUATE THE UNITS AS Jess Dunn Correctional Center (J.D.C.C.) EACH MORNING REGARDLESS OF THE WEATHER CONDITIONS THIS WEEK WE WERE FORCED OUTSIDE WHEN IT WAS 17°

THE FOOD SERVED IN D.O.C. IS SUB STANDARD TO SAY THE LEAST THE QUALITY IS MARGINAL MOST OF THE TIME WE ARE SERVED FOOD THAT IS CLEARLY LABELED (NOT FOR HUMAN CONSUMPTION) ON THE BOXES IT DELIVERED IN I ALSO STATED THAT THE INMATES OFTEN GO HUNGRY BECAUSE OF THE PORTIONS THAT IS VERY LITTLE

STATEMENT OF CLAIMS
CLAIM 1

1DF3

THERE ARE LAWS IN PLACE THAT PREVENT
SUCH INHUMANE TREATMENT THAT DOC
SUBJECTS THE INMATE TO. THE PROWS THAT
BE ARE WELL AWARE OF THIS NOT ONLY IS
THIS DELIBERATE INDIFFERENCE, IT A
BLATANT VIOLATION OF MY CIVIL RIGHTS
PERTAINING TO CRUEL AND UNUSUAL
PUNISHMENT

STATEMENT OF CLAIMS

CLAIM 2

1 OF 2

Governor STITT HAS TAKEN RESPONSIBILITY OF DOC SINCE HIS ELECTION HE IS ULTIMATELY IN CHARGE OF THIS ISSUES OF THE OVERCROWDING. THE SHADY DEALING OF THE MEDICAL SUPERVISIONS AND THE SUB-STANDARD OF FOOD SERVICE THE SUB-STANDARD OF THE HOUSING UNITS AS TO THE TEMPERATURE AND THE FAILURE TO CONTROL THE PROBLEMS OF INSECT, SPIDER AND VERMIN INFESTATION. THIS AMOUNTS TO CRUEL AND UNSUAL PUNISHMENT. GOVERNOR WAS NOT PROTECTED BY LEGISLATIVE IMMUNITY FROM STATE PRISONER CLAIMS THAT HE FAILED TO TAKE PROPER ADMINISTRATIVE ACTIONS TO REDUCE OVERCROWDING. 2 PRISONER STATED EIGHTH AMENDMENT CLAIM AGAINST PRISON OFFICIALS

GOVERNOR OF THE STATE OF OKLAHOMA INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

STATEMENT OF CLAIMS
CLAIM 2

10P2

GOVERNMENT HAS OBLIGATION TO PROVIDE
MEDICAL CARE FOR THOSE WHOM IT IS PUNISHING
BY INCARCERATION. INFLECTION OF UNNECESSARY
SUFFERING ON PRISONER BY FAILURE TO TREAT
HIS MEDICAL NEEDS IS INCONSISTENT
WITH CONTEMPORARY STANDARDS OF
DECENCY AND VIOLATES THE EIGHTH
AMENDMENT SEE ALSO ESTELLE V.
GAMBLE SUPREME COURT OF THE UNITED
STATES NOVEMBER 30, 1976 429 U.S. 97
97 S. CT. 285 50 L. ED 2D 251

V. STATEMENT OF CLAIMS

A. Claim 1

Date(s) of occurrence: 1-1-2017

Place(s) of occurrence: JDCC

State which of your federal constitutional or federal statutory rights have been violated:

1 And 8

Briefly state the FACTS that support your case. Provide a short and plain statement of how each named defendant was personally involved in the violation of your constitutional rights and why you are entitled to relief from each named defendant. See Fed. R. Civ. P. 8(a). Do not cite case law.

FACTS: ON PAPER

B. Claim 2

Date(s) of occurrence: 1-1-2017

Place(s) of occurrence: JDCC

State which of your federal constitutional or federal statutory rights have been violated:

1 And 8

FACTS: ON PAPER

STATEMENT OF CLAIMS

Claim 3

1 OF 2

Cheri ATKINSON
Medical Services MANAGER

INDIVIDUALLY AND HER OFFICIAL CAPACITY
IS ALLOWING THE ACCOUNTING DEPARTMENT
TO FALSIFY MEDICAL DOCUMENTS AFTER
A INMATES SINGS THEM AND TO CHARGE FOR
SERVICES NOT RENDERED TO INMATES
ALSO ALLOWING FOR THE BILLING FOR CHRONIC
CARE VISITS AND PRESCRIPTIONS CO PAY
MRS. ATKINSON AS THE MEDICAL SERVICES
MANAGER IS RESPONSIBLE FOR ENSURING
THAT THE MEDICAL SERVICE PROFESSIONALS
CONDUCT THEMSELVES IN AN HONEST
ETHICAL MATTER HER FAILURE IN DOING
OTHERWISE IS CRUEL AND UNUSUAL
PUNISHMENT.

THOMAS V. BRUCE
UNITED STATES COURT OF APPEALS TENTH CIRCUIT
MARCH 18, 2005 125 Fed APPX 964
2005 WL 629766

STATEMENT OF CLAIMS
CLAIM 3

20F2

Also Allowing Medical AT J DCC
To Be deliberate indifference to my
Serious medical needs in connection
with Alleged Lack of Treatment of
my Right knee

STATEMENT OF CLAIMS

CLAIM # 4

1 OF 2

SHARON MCCOY WARDEN, INDIVIDUALLY AND HER OFFICIAL CAPACITY

THIS IS AN ADMENDMENT TO MY OTHER ALLEGATIONS OF CONSTITUTIONAL VIOLATIONS OF CRUEL AND UNUSUAL PUNISHMENT

THERE IS AN ON GOING SITUATION WITH THE DOC VANS THAT IS USED TO TRANSPORT INMATE TO AND FROM THEIR MEDICAL APPOINTMENTS.

I MYSELF HAVE BEEN SENT OUT ON THE FOLLOW DATES APR. 1-16-2019 TO LINDSAY MEDICAL CENTER THE ROUND TRIP IS 362 MILES WITH OUTSIDE TEMPER IS APPROX 100~~0~~ PLUS HUMIDITY THE OTHER DATE IS SEPTEMBER 2-2019. BOTH TRIPS WERE MADE WITH NO AIR CONDITIONER IN THE VAN I WAS IN. ON OCT 28. 2019 I WAS AGAIN SENT TO LINDSAY THE OUTSIDE TEMPER WAS 32° THE TEMP ON THESE TRIPS WAS NOT ONLY UNCOMFORTABLE BUT IS WAS COMPROMISING TO ONES HEALTH WITH NO HEATER IN THE VAN I WAS IN

STATEMENT OF CLAIMS

CLAIM 4

20F2

THIS PROBLEM IS AN ONGOING AS I HEARD
ON OF THE TRANSPORT C.O.'S TELL HIS
PARTNER THAT HE HAS REPORTED THIS
ISSUE SEVERAL TIMES TO HAVE THE
PROBLEM FIXED BUT TO NO AVAIL

WITH THIS BEING AN ONGOING ISSUE THAT
HAS BEEN REPEATEDLY REPORTED I FEEL
THAT WARDEN SHARON MCCOY HAS TO
KNOW OF THIS AND IS ALLOWING INMATES
TO BE TRANSPORTED UNDER THESE HORRID
CONDITIONS.

THE WARDEN IS ALSO ALLOWING THE FOOD
SERVICES TO FEED 3 AND 4 DAYS LEFT
OVERS TO THE INMATE AND I THANK
THAT SHE KNOWS OF THIS AND IS ALLOWING
IT TO BE KEEP ONGOING THE INMATE
ARE GETTING VERY LITTLE PORTION OF
FOOD THAT IS NOT WHAT THEY ARE SUPPOSE
TO GET AT A MEAL

THE NAMES I WRITE OF ARE THE ONLY
ONES I AM FAMILIAR WITH

C. Claim 3

Date(s) of occurrence: 2017 1-1-2017

Place(s) of occurrence: JDCC

State which of your federal constitutional or federal statutory rights have been violated:

1 And 8

FACTS: ON PAPER

D. Claim 4

Date(s) of occurrence: 2017 1-1-2017

Place(s) of occurrence: JDCC

State which of your federal constitutional or federal statutory rights have been violated:

1 And 8

FACTS: ON PAPER

VI. RELIEF REQUESTED

Briefly state what you want the Court to do for you. Do not make legal arguments or cite cases or statutes.

I would like the court to grant me \$1,50,000.00 one Hundred Fifty Thousand dollars and \$12,000.00 for copies and legal fees incurred in this case I request these amounts on the condition that DOC will be unable to acquire any of them back from me. I also like the expungement of my records pertaining to my convictions and incarceration

VII. PRISONER'S LITIGATION HISTORY

The "Three Strikes Rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if the prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

Have you brought any other lawsuits in federal court while a prisoner? ☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
- Did the court assess a "Strike" or find the dismissal a "Prior Occasion" pursuant to 28 U.S.C. 1915 (g).

CIV-19-248-RAW-SPS EASTERN DISTRICT OF OKLAHOMA MICHAEL DILLARD ET AL, JARED ROBERTS, CHERI ATKINSON AND D.O.C. DIRECTOR OF CORRECTIONS. 8-14 AMENDMENT, PENDING

VIII. PLAINTIFF'S DECLARATIONS:

I declare under penalty of perjury that the foregoing is true and correct. To the best of my knowledge, information, and belief, this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11 of the Federal Rules of Civil Procedure.

I agree to provide the Court Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Court Clerk's Office may result in the dismissal of my case.

Rodney D. Stephens
Plaintiff's Signature

11-26-19
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 26 day of November, 2019.

Rodney D. Stephens
Plaintiff's Signature

11-26-19
Date